

Marshall Says Proposed Law Wcs Needed Here

RELAT. IS



BY JOHN HERRERS
United Press International

WASHINGTON, July 8 — Burke Marshall, the government's top civil rights trouble shooter, said today that President Kennedy's proposed public accommodations law could have averted racial strife in Birmingham, Ala., this year.

He told the Senate Commerce Committee that Negroes staged violent demonstrations against discrimination in business establishments because there was no legal remedy, an action the government could take to end it.

Marshall, assistant attorney general in charge of the Justice Dept.'s Civil Rights Division, appealed for passage of the proposed law to ban racial discrimination in such places as hotels and restaurants. During his testimony, he also

questioned the accuracy of a published report that managers of the Social Security and Veterans Administration offices in San Antonio, Tex., had been ordered by Washington to give job preferences to Negroes. The report was credited Sen. Strom Thurmond, D-S.C., chief committee foe of the proposed public accommodations law. Marshall said he did not believe any government official had issued such a directive, but would look into it.

Persuasion Limited

—Testified that racial discrimination in public establishments cannot be wiped out by persuasion.

See R00T, Page 2



MARSHALL IS WIT-

NESS — Burke Marshall, the Administration's civil rights expert, tells the Senate Commerce Committee that the Kennedy bill to outlaw discrimination in business establishments should be passed (UPI Telephoto).

Riot

Der from the
SALL. COUNCIL

THAN RELATIONS

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Continued from Page 1

He said the approach has
been in some cases but that
it has no limitations.

Sen. Hugh Scott, R-Pa., asked
Marshall if he could have used
the proposed public accommodations
law in Birmingham, site of protest
demonstrations in May.

Marshall replied that "The dem-
onstrations would not have to take
place." The problem in Birming-
ham and elsewhere, he said, was
that there was no legal remedy.
The only recourse, he said, was
voluntary desegregation.

When Birmingham business pro-
prietors agreed to take voluntary
action, that ended the demonstra-
tions," he concluded.

Scott said that up to week be-
fore the President sent his civil
rights requests to Congress, the
Justice Dept. was telling senators
that persuasion could do the job
and that legal authority was un-
needed.

"Needed Since 1861"

The Republican senator sug-
gested that the accommodations
law was needed in 1861, first year
of the Kennedy administration.
Marshall replied that it also was
needed "in 1900, in 1950, really
since 1861—a year that saw 'sit-
ins' in Louisville, Ky.

The question of job discrimina-
tion against whites was raised by
Thurmond. He cited a newspaper
column as the source of the re-
ported Negro preference in San
Antonio. It said that the Social
Security office manager there was
quoted as telling his employees
to "fill vacancies with nothing
but Negroes." Thurmond asked
if the Justice Dept. was "protect-
ing the rights of white people—
or just Negroes?"

Marshall said the department
is interested in "protecting the
rights of all people" but that he
has no direct jurisdiction over
Federal employment. He said he
"questioned the accuracy" of the
San Antonio report. Thurmond
said the report also claimed the
VA office in San Antonio had
been given verbal orders from
Washington to "put extra em-
phasis on hiring Negroes" and
had employed its first Negro.

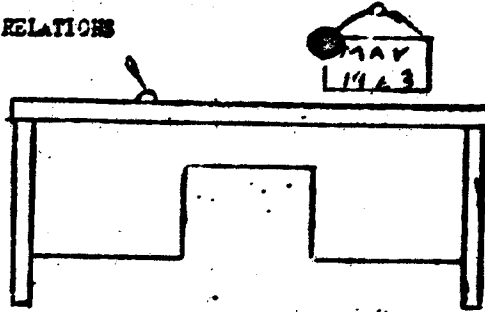
Marshall again challenged the
report's accuracy.

In appealing for the public ac-
commodations law, Marshall said
persuasion will not work in such
cases when one restaurant or
hotel in a community holds out
against desegregation. He said
other establishments will not open
their doors to Negroes lest the
one holdout reaps a competitive
advantage from increased white
trade.

Furthermore, he said, "it cannot
solve the problem in a locality
where feelings of racial suprem-
acy are so ingrained that volun-
tary action is impossible."

Newsletter from the
ALABAMA COUNCIL ON HUMAN RELATIONS

from the desk of
YOUR EXECUTIVE DIRECTOR

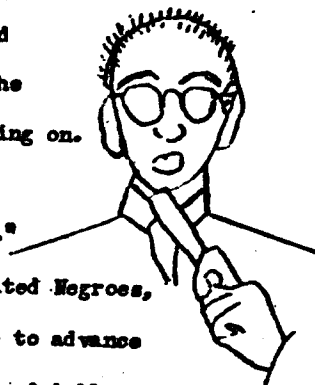


While Birmingham is in the midst of an uneasy truce, protests against discrimination are going on in Detroit, Nashville, Raleigh, Cleveland and other cities. A few communities in Alabama have decided to resolve tensions before protests erupt. People in most areas in our state have a little time to decide if they want to negotiate before or during demonstrations. Communications between whites and Negroes are important.

COMMUNICATIONS - MASS MEDIA - PUTS US ON THE SPOT

The whole world is watching us. The transistor radio, you know, makes Birmingham's crisis a conversation piece in all sorts of languages.

The Missionary, speaking to a group of Birmingham missionaries, was describing in detail the remoteness of the jungles of the upper Amazon and the problems of traveling to his base of operations. He then surprised the ministers by saying "These people know what is going on in other parts of the world even though they cannot read and write. Within hours after racial disturbances in the United States these people are familiar with what is going on. Transistor radios are popular and these people do get newscast informing them of news events around the world."



Within a few days after a Birmingham church had seated Negroes, a missionary wrote the pastor: "Your deed has done more to advance christian missions than all of the hundreds of thousands of dollars that our denomination has spent in this country that I am working in."

Action speaks louder than words.

A picture is worse than a thousand South-damaging words, especially when it is the picture of a dog attacking a human being.

And yet, words are essential. People think in words. And in these days, it behooves us to be very careful with words. Let's treat 'em with respect. Let's use them to appeal to the good that is in our fellowman. Sure, you'll probably fail at times, but some place I've read "it is better to aim at doing something big and fail than to be successful at doing nothing."

During the demonstrations in Birmingham one of the local leaders in the white community described the demonstrations as "the biggest revolt of Negroes that has ever taken place in the South". It seems to me exceedingly complex. There was probably real justification for the statements that Birmingham was the worst large city in the South, despite the existence of many people of goodwill in the white community wanting to see Negroes have equal opportunities in many areas. But most of the trouble was people of goodwill in the white community were intimidated to the point that they would not even discuss with their neighbors their feelings on the matter. And, many church leaders were saying that the Negroes desire for human dignity was a political issue, not a moral issue. At the same time, others courageously took a stand for the rights of all people to be treated like all other people.

There was in Birmingham, a total admitted breakdown in communications.

One white person told a Birmingham group recently "The tragedy that I am most concerned about is that white people have been unable to discuss even with white people their feelings about racial equality."

You probably know of situations where people within a family cannot discuss the issue of human rights. Yesterday a minister said: "Children can't talk with their parents. I have many young people who come to me and say they want to talk to me about this situation because they cannot discuss it at home with their parents."



Where does the Alabama Council on Human Relations come in?

We need to help community leaders to sit down and discuss community problems together. After communications broke down between white and Negro community leaders in Birmingham a year ago, a merchant said, "I am not interested in sitting down with Negro leaders anymore, and I don't believe the other merchants are. We have nothing to say."

He was told at that time "unless there are conversations between the leaders of the Negro and white communities, there will be demonstrations in Birmingham. If peaceful demonstrations do not bring progress, then we can expect that there will be groups in the Negro community who will make an effort to obtain civil rights by the use of violence."

So far demonstrations are led by Negro leaders who believe in non-violence. The Black Muslims and others in the Negro communities who use violence capitalize on the failure of peaceful protests.

While the demonstrations went on in Birmingham, many people attributed the basic cause to the almost total breakdown of communications between the Negro and white leaders.

During the first week of demonstrations, there were a few very significant conversations. But very few people were present. Efforts to get a larger more representative group together failed. Yet many people continued to urge establishment of lines of communications. These efforts were finally successful for two reasons. First, people of goodwill were sincerely interested in making progress so that all people could have pride in their hometown, and could share in making the city a good place to live and work. Second, it became apparent that demonstrations would continue until community leaders were able to sit down together and discuss their mutual problems.

WHAT IS THE ANSWER?

The members of the Alabama Council on Human Relations know there is no single easy step to improving race relations in our community. But you have all heard many people admit that it is essential to make every effort to establish lines of communications between Negro and white leaders.

Let us also realize that leaders emerge. Often, the person who assumes that he has almost no influence in town, and certainly does not consider himself to be a leader, goes to work and does everything that he can; and, in the last analysis, the ordinary fellow deserves as much credit as people of high positions.

In many communities, community leaders are hesitant to sit down and discuss community problems until small groups of ordinary people, both Negro and white, have dissolved their own prejudices, have learned to consider each person as a human being, have helped to develop the thought that whatever effects one person effects all people in the community.

WE'RE ALL IN THE SAME FIX

You know, and all thinking people know, that when one person in a community is denied his freedom, then all people are denied their freedom. Constructive efforts to resolve tensions before they reach the breaking point reduces the danger of breakdown of law and order.

A fellow once said "the very fact that a man sat and listened to my story helped me to resolve my problems and showed me that he had respect for me as an individual."

Private conversations between colored and white help each to understand differences and to see the error in some of the generalizations relied upon for so many years.

Recently Birmingham people have been saying "at least we ought to have some conversations, conversations may lead to understanding and respect and prepare the way for serious negotiations."

THE BIG QUESTION

The question you face in your community is, "Are we going to establish lines of communications between the races before or during demonstrations."

You know, the colored janitor may tell his boss that he does not believe in desegregation. That same night, a mass meeting until midnight, he may put out more money than he can afford to support a civil rights program that promises him treatment as a human being, with respect and dignity.

When you talk to people, you may put these two quotes to work:

"Liberty is the one thing you can't have, unless you give it to others."

William Allen White

"It is good to rub and polish your mind against the minds of others."
Montaigne

LESSONS FROM MISSISSIPPI

Legal means exhausted, physical defiance at the end, Gov. Ross Barnett submitted to federal law enforcement on September 30, 1962. That was not the end but the beginning of Mississippi's agony. For emotions that had been enflamed over the admission to the University of Mississippi of James Meredith, a Mississippian from Kosciusko, erupted into riot and murder.

Since then, Mississippians have been washed by waves of accusations that attempt to place blame for the consequences of defiance on everything and everyone connected with the federal government.

No "repentance, shame or remorse" has been expressed by our political leaders since the Oxford tragedy, and predictions are that their continued defiance and their attitude that "we are Mississippians first, Americans second" will lead to even bloodier tragedy in the months to come.

THE PRICE OF DEFIANCE: "destruction, disgrace, disaster and death."

Quoted from: The Oxford Disaster
Price of Defiance

By: Rep. Karl Wisenburg

Jackson County, Mississippi

(Reprint of articles appearing in The Chronicle, Pascagoula, Mississippi
December 17-21, 1962)

NOW IS THE TIME - to speak a word for justice - to make your voice heard for law and order.

PLEASE SEND SUGGESTIONS FOR NEWSLETTER

Contribution \$ _____

Pledge \$ _____ per month \$ _____ quarter \$ _____ year

Membership _____ \$5 (single) _____ \$8 (joint)

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Make checks payable to: Alabama Council on Human Relations
1224 City Federal Building
Birmingham 3, Alabama

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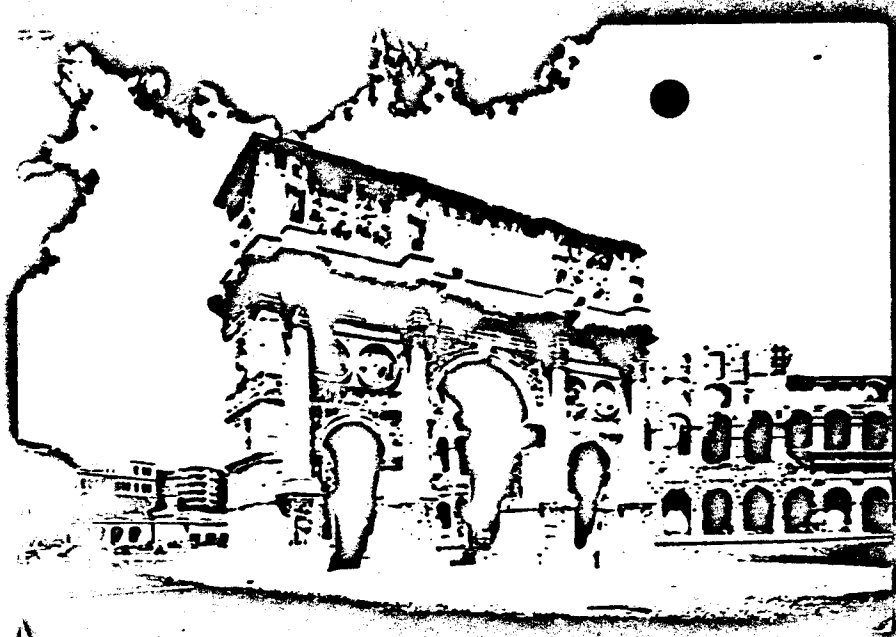
1. Burke Marshall
of Dept Justice and Rights
Washington DC

USA

From July 6 1963

European people as far as
our new system. Some have
not heard the President.
I am not then alone.
I think is at our friends.

Amos J. Westfield



In reply refer
to AG

U. S. DEPARTMENT OF LABOR
Bureau of Employment Security
Washington 25, D. C.

General Administration Letter No. 711
June 28, 1963

TO: ALL STATE EMPLOYMENT SECURITY AGENCIES

SUBJECT: Elimination of Segregated Office Facilities, Elimination of
Discrimination in the Operation of Employment Service Offices,
and Adoption of Revised Merit System Standards

REFERENCE: GAL No. 683

PURPOSE: To outline required actions to eliminate discriminatory practices
in State Employment Security agencies.

Recent Federal court decisions consistently have held that public funds cannot be used to maintain or operate any facility or Government program in any discriminatory manner whatsoever based on race, creed, color, or national origin. This holding of the courts is equally applicable to funds granted or made available by the Federal Government to the States for the operation of the employment security program.

All State employment security agencies which have not already done so are accordingly required to take the following actions to conform with established policy:

1. Eliminate all racially segregated office facilities and operate such facilities without distinction based on race, creed, color, or national origin. In any specific case, or cases, in which a State employment security agency has formulated a plan to eliminate a racially segregated office and the plan cannot be effected by July 31, 1963, because of a legal commitment such as a lease, the State agency will submit such a plan to the Bureau's national office for consideration.
2. Fully comply with established policies which prohibit any form of discrimination based on race, creed, color, or national origin in services provided to applicants, claimants, or others, including registration, selection, and referral for employment or training opportunities, counseling, or testing.
3. Fully comply with the revised merit system standards enclosed with GAL No. 683. The revised standards require: (1) a prohibition in State law, rules, or regulations against discrimination on the basis of race, creed, national origin, or other nonmerit factors, and (2) provision for appeals in cases of alleged discrimination.

4. Cooperate with governmental Fair Employment Practice or Anti-Discrimination authorities by furnishing information developed through the operation of the employment security system relating to fair employment practices.

The Policies of the United States Employment Service, published in Title 20 of the Code of Federal Regulations, are being amended to reflect these requirements. A copy of the proposed amendment is attached. Appropriate revisions of Employment Security Manual materials are being made and will be distributed promptly.

MANUALIZATION REQUIRED: ES Manual, Part I and Part II (appropriate sections will be revised).

RECOMMENDATIONS: None

Sincerely yours,



Robert C. Goodwin
Administrator

Attachment
Proposed Amendment

PROPOSED AMENDMENT

Section 604.8, Chapter V, Title 20 CFR (Service to minority groups) is amended by adding the following new subsections:

- (e) To register, counsel, test, select and refer applicants to job openings and training opportunities on the basis of their occupational qualifications or suitability for training, and to conduct these and all other activities performed by or through employment service offices financed in whole or in part from Federal funds without regard to race, creed, color, or national origin.
- (f) To make no selection or referral of applicants on job orders containing any discriminatory specification(s) with regard to race, creed, color, or national origin.
- (g) To cooperate with governmental Fair Employment Practice or Anti-Discrimination authorities by furnishing information developed through the operation of the employment security system relating to fair employment practices.

FROM
DIRECTOR OF PUBLIC INFORMATION
OFFICE OF THE ATTORNEY GENERAL
to
Official indicated below by check mark

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Deputy Attorney General	
First Assistant Deputy Attorney General	
Executive Office For U. S. Attorneys	
Executive Office For U. S. Marshals	
Solicitor General	
Executive Assistant to the Attorney General	
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Assistant Attorney General, Internal Security	
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MEMORANDUM

SLAUGHTER

BY ADOLPH J. SLAUGHTER
WASHINGTON BUREAU
ASSOCIATED NEGRO PRESS

3-26-63

Copied

WASHINGTON-(ANP)- Who is "Mrs. Murphy?"

In years to come, Negroes traveling throughout the U. S., seeking a place to rest their weary heads, might discover that "Mrs. Murphy" is America's new symbol for segregated accommodations.

This fictional and lovable old dowager who rents rooms from the boarding house in which she lives in hundreds of towns across this land, apparently the heartstone of America's private free enterprise system which the Congress wants to exempt from compulsory compliance with equal accommodation provisions of the new Kennedy legislation.

This startling new symbol of "private" and segregated property became a living creature this week at the very first hearing of the House Judiciary Committee on the President's civil rights package presented to Congress last week.

The President's brother, Robert F. Kennedy, the Attorney general, was the star witness and he pleaded for equal accommodations for all, in hotels, motels, restaurants, stores and anywhere the general public is served.

But even the stalwart Attorney General had to give ground to protect the "private" rights of "Mrs. Murphy."

If she lives in her own home and rents two or three rooms for transients, would she be compelled to rent to anyone who came along, the Attorney General was asked.

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Bobby Kennedy was on the spot, and although I believe he realizes that if "Mrs. Murphy" is in the "business" of renting rooms, there should be no reason why she, too, should not comply to equal accomodation provisions, he said, no, I don't believe she would.

These kind of people would be exempt, explained Bobby, who hastened to add, however, that it would be a different story if "Mrs. Murphy" lived in one house and rented rooms in another house down the street. (Pray tell, what weary traveler could know this?).

What is at issue, however, behind Congress' attempts to protect "Mrs. Murphy" is the preservation of the "free", segregated way of life for hundreds of "little" businesses throughout the land who want to escape integration.

Those seeking to protect "Mrs. Murphy" are also seeking to protect the "little" stores, the "little" barbershops, the "little" theaters, the "little" hotels, the "little" motels, and all the "little" bigots in every nook and cranny of this land.

Just from today's hearings, it is obvious that the Kennedy equal accomodation provisions are already in Congressional hot water.

The Administration wants to push this part of the civil rights package through the Commerce Committee of the Senate, because it feels that business^{es}/engaging in interstate commerce can be more easily regulated through existing commerce commission regulations.

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From today's hearings, it appears that Congress wants to set limits on which business will actually be effected, preferring the obvious and large ones. Mr. Kennedy agreed that perhaps "something could be worked out."

But it seems reasonable that if a big department store sells "Fitch shampoo" and thus can be regulated because the shampoo is an out-of-state product shipped interstate, a "little" barbershop can be equally regulated because its "Fitch shampoo" is an out-of-state product too.

No one can safely predict now just where the Kennedy Administration civil rights package is going--although there are some pretty obvious and ominous signs.

But one thing seems pretty certain. If "Mrs. Murphy" is allowed to get away, in time, she will probably become the single, largest, richest entrepreneur in the history of America.

Negroes will probably find that "Mrs. Murphy" owns all the nation's "little" rooming houses--and lives there; all the "little" barbershops--and lives in the rear; all the "little" department stores--and lives in the basement; all the "little" theaters--and quarters herself in the camera loft, and all the "little" hotels and motels--and in each one keeps a private abode.

Somewhere during the hearing, to the roar of the jammed hearing room, Bobby Kennedy said: I think Mrs. Murphy is going to be in trouble.

more

Bobby Kennedy could never have been more correct.

THE
ASSOCIATED NEGRO PRESS
WASHINGTON
916 F Street, N. W.
Washington 4, D. C.



Attorney General Robert Kennedy
Department of Justice
Washington, D. C.

c/o Ed. Outhman

DEPARTMENT OF JUSTICE
ROUTING SLIP

Mice.

TO			
NAME		BUILDING AND ROOM	
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3.			
4.			
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REMARKS			
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FROM			
NAME		BUILDING, ROOM, ETC.	DATE
Bill Geoghegan			7/9/63

July 8, 1963

Honorable Frank J. Lausche
United States Senator
Senate Office Building
Washington, D. C.

Dear Senator Lausche:

I am writing you because of the account that appeared in the Cincinnati Enquirer on July 5th of your exchange with the Attorney General regarding the Ohio Public Accommodations Law. In this article you were quoted as commenting favorably on the 1964 Act (formerly Sections 2901.35 and 2901.36 of the Ohio General Code), which provided for either a criminal prosecution, with a fine of not more than \$500 or imprisonment for not less than 30 or more than 90 days, or both, or, in the alternative, a civil action for not less than \$50 nor more than \$500 brought by the person aggrieved.

I suppose that others have brought this to your attention also, but the newspaper report omitted any reference of the changes made by the Ohio General Assembly two years ago, when discrimination in public accommodations was added as Section 4112.02(C) of the present Ohio General Code and made an unlawful discriminatory practice subject to the jurisdiction of the Ohio Civil Rights Commission.

By this legislation, the General Assembly made discrimination in places of public accommodation subject to the administrative remedies of the Ohio Civil Rights Law (Sections 4112.01 thru 4112.05) and granted considerably more flexibility of remedy to persons aggrieved, who are thus able to file a complaint before the Ohio Civil Rights Commission, which will then attempt to conciliate the matter, and if this fails may conduct a public hearing and issue an order which in turn is subject to review by the courts. In short, discrimination in public accommodations was made subject to the same administrative procedure as had been established for employment under the 1959 act.

I was Chairman of the Ohio Civil Rights Commission at the time that this legislation was enacted by the General Assembly, and testified at some length before the Committee concerned. I think it is correct to say that the 1961 amendments were passed because, in the judgment of the General Assembly, the 1954 law was inadequate to afford redress in the large majority of instances of such discrimination. Indeed, only a handful of actions had been brought since 1954, although a survey made by the Civil Rights Commission indicated that violations were widespread, as was common knowledge.

-2-

July 8, 1963

Honorable Frank J. Lausche
United States Senator
Senate Office Building
Washington, D. C.

I do regret the necessity of writing you on a matter which would appear to be a correction of one of your statements, since I feel sure you know in what high regard I hold you. I believe that you too would wish to put the records straight.

With all good personal regards.

Yours sincerely,

Richard C. Guggenheim

REC/aa

Form No. 6-11
(Ed. 3-2-61)

THE ATTORNEY GENERAL

Misc.

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Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
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REMARKS

5 July

For your information.

BM

JUL 5 1965
ATTORNEY GENERAL

File

FROM NAME	BUILDING, ROOM, EXT.	DATE

DEPARTMENT OF JUSTICE

Misc.

TO

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- ☐ IMMIGRATION AND NATURALIZATION SERVICE
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- ☐ PAROLE BOARD
- ☐ BOARD OF IMMIGRATION APPEALS
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Send to Attorney General for his information

FROM _____

Top GOP Negro Leader Backs JFK on Race Issue in Denver

"If the presidential election were held tomorrow, I would vote for President Kennedy," a top Republican Negro leader declared in Denver Monday night.

He is Judge Hobson R. Reynolds, grand exalted ruler of the Improved Benevolent Order of Elks of the World and a former Eisenhower Administration official.

"I like his (Kennedy's) liberal stand—his speaking out on the racial issue, and how it can be corrected," Reynolds said.

While lauding the President's action in the growing racial tension, Reynolds emphasized he had no intention of leaving the GOP for the Democrats.

Ike's Nomination

"As a delegate from Philadelphia in 1952, I seconded Eisenhower's nomination," he said.

On the matter of peace marches in Denver and elsewhere throughout the country, Reynolds said they are helping the Negroes' cause by focusing national attention on Negro grievances.

"The Negro is approaching the problem from a sensible standpoint," he said. "Moderates in the South are beginning to get encouragement since President Ken-



Judge Hobson R. Reynolds... "The Negro is approaching the problem (segregation) from a sensible standpoint."

nedy spoke out on the segregation issue."

After 100 Years

"We believe in moderation," Reynolds said, "but we also believe the time has come now—

after 100 years—when no one can say we're moving too fast."

Denver and all cities in the U.S. are much the same inssofar as keeping the Negro penned up in a ghetto, Reynolds claimed.

Reynolds is featured speaker during the Elks' present convention of some 1200 representatives from nine Midwestern states meeting in Denver.

Asked if his feelings following the capture of a suspect in the killing of Medgar Evers, the NAACP field secretary in Mississippi, Reynolds said:

"It was a good thing the FBI was in Jackson to investigate. If they had not been put on the case I feel local authorities never would have arrested the man."

Urban Renewal

Reynolds will address various Elks' sessions Tuesday at Scott's Methodist Church, E. 22d ave. and Ogden st.

"Urban renewal has resulted only in moving the Negro from one area to another," he said, "with a new school built nearby to be attended by Negroes."

He explained this has not enabled the Negro to buy the home he can afford in the section of a community in which he wishes to live.

Reynolds, son of a North Carolina farmer, is a graduate of Shaw University in Raleigh, N.C. He is a former municipal judge in Philadelphia, served in the Eisenhower Administration as assistant commissioner of federal housing, and has served two terms in the Pennsylvania Legislature.

DEPARTMENT OF JUSTICE

TO Mr. Marshall - Room 1145

- ☐ ATTORNEY GENERAL
☐ EXECUTIVE ASSISTANT
☐ OFFICE OF PUBLIC INFORMATION
☐ DEPUTY ATTORNEY GENERAL
☐ EXECUTIVE OFFICE-U. S. ATTORNEYS
☐ EXECUTIVE OFFICE-U. S. MARSHALS
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☐ PAROLE BOARD
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REMARKS:

July 15, 1963

FROM L.F.O.
ASSISTANT ATTORNEY GENERAL

Tax Division

School Mixing By September

The Birmingham school opinion concurred in by two of three Fifth Circuit Court of Appeals judges is no document of clarity. Yet its essence is clear enough for plan-making.

School Board attorney and dissenting Appeals Court Judge Gewin demand full Fifth Circuit review. Barring this, which is probable, Supreme Court review may be sought. None of this will change the essence. Birmingham Board of Education must take positive desegregation action effective September.

Birmingham asked more time; Fifth Circuit opinion for some time has been that initiation of *Brown v. Board* compliance rests with school authorities themselves. The court no longer allows lack of time as an excuse. Since a few years after 1954 and *Brown*, court requirement in precedent cases is evident: If there is no time, the court asks, what has been done with the time?

Birmingham's board has not moved voluntarily to desegregate. In local context, political, otherwise, it hardly could or would. But the time plea is vacuous now in judicial eyes. Hence action, if vaguely defined, is demanded by Fifth Circuit, and a plan for it by Aug. 19, implementation by September.

It will be misleading for any to think vagueness of order or promises of appeal hold hope of defiance, reversal or effective delay. Fifth Circuit minimum will be the minimum of higher judiciary.

While for a majority Judge Rives says the court will not now—"now" is a key—require that separate schools be "completely" ended in any grade; while he refuses to say when or how, pending further review on merits, more explicit act toward a broader plan shall come, the court directs Judge Lynne's next order.

It calls for plan of some desegregation start, by board action, not by plaintiffs or others, by Aug. 19, and demands carrying this out by September's opening. That meaning is fully clear. Birmingham's board may successfully buy a year's time with minimum action at this point. The court order by vagueness warrants an optimism on this count; but if this be true, it can buy such time only through one expenditure, deliberate board invitation of Negroes to apply for white school enrollment in some small number at least, and board publicly announcing willingness to initiate at least a minimal desegregation in September.

Fail at that, obviously, and the Fifth Circuit will feel armored for more explicit and drastic Birmingham order; the Fifth's precedents on this are adequate to any attorney. More, the majority judgment here cites *Augustus v. Board of Instruction*, a Pensacola case. District court there accepted a School Board letter of invitation to Negro parents under

Editorials

The Birmingham News

Clarence B. Hanson, Jr., Publisher

Victor H. Hanson, H.
Vice President, General Manager

Vincent Townsend,
Vice President, Assistant to Publisher

E. L. Holland, Jr.,
Editorial Page Editor

John W. Bloomer,
Managing Editor

Victor H. Hanson, Publisher, 1910-1965

Saturday, July 12, 1963

the state school enrollment in 1954
small number at least, and board
publicly announcing willingness to
initiate at least a minimal desegre-
gation in September.
Fall at that, obviously, and the
Fifth Circuit will feel armored for
more explicit and drastic Birmingham
order: the Fifth's precedents on this
are adequate to any attorney. More,
the majority judgment here cites
Augustus v. Board of Instruction, a
Tennessee case. District court there
accepted a School Board letter of in-
vitation to Negro parents under
Florida placement statute to enroll
children without race regard. But on
plaintiffs' appeal, Fifth Circuit ex-
plicitly required that any new pupils
be admitted regardless of color and
it called for abolition of dual racial
zones, with corroborative map of new
zoning. This is to be the Birmingham
pattern in part at least, even if timing
on the latter is yet arguable. A full
future Tennessee desegregation plan
was inherently stipulated.
Thus Birmingham now has come to
a time of decision. One course: Close
schools. None really sees this as an
answer. Compliance is in order. Delay
may be sought via review, appeal,
further argument, etc. But it is naive
to put our emphasis there, for the
end of that road is clear. It would
be better, now, viewing numerous
parallel cases in other Southern cities,
to concentrate on positive control of
our own situation through display of
public intent to do what, in the end,
would have to be done anyway.

Nice . 163

THE WHITE HOUSE
WASHINGTON

July 5, 1963

MEMORANDUM FOR

Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Justice Department
Washington, D. C.

I thought you might be interested in the
attached information concerning the Letterkenny
situation.

Kind regards.

WWG
Walter W. Giesey

Enclosures 2

July 2, 1963

COPY

SUBJECT: Letterkenny Situation

TO: Walter Giesey
President's Committee on Equal Opportunity in Housing

From: Elliott M. Shirk, Executive Director
Human Relations Commission

Attached is a brief report on the Letterkenny situation about
which we talked. I shall keep you advised of later developments

With warm regards.

COPY

July 2, 1963

SUBJECT: Chambersburg Housing Situation

Elliott M. Shirk
Executive Director

William M. Cousins
Director of Housing

I talked to George Danzberger the Information Officer at the Letterkenny Army Depot. He has been directly involved in the housing of the employees transferred to Chambersburg. From him I secured the following information.

The personnel and operation of two depot facilities have been or will be transferred to Letterkenny.

The Rossberg Depot in Toledo, Ohio has already been closed out. Some 60 employees and their families have moved to the Chambersburg area. Of these two were Negro. One Negro returned to Ohio to another job. The other employee is rooming in Chambersburg while looking for housing for his family. He has at least two prospective accommodations but has made no decision yet.

The Raritan Depot in Metuchen, New Jersey is scheduled to transfer its operation and personnel in two phases. Some employees will come in September and the rest in January. This transfer involves a total of 130 jobs which, as of now, includes two Negroes. The Raritan transfers are wage board employees and are paid on the basis of the prevailing rates in the area. The Rossberg transfers are employees of a higher income level and could better meet the financial requirements for the rental and purchase of local housing.

Mr. Danzberger informed me that he has had a series of meetings with various groups in the community regarding the housing problem. This included representatives of the minority community, the Chamber of Commerce, the Redevelopment Authority and real estate brokers and owners of rental property. There was also an open community meeting at which the concerns of the Negro community were brought to public awareness, particularly regarding urban renewal.

From the foregoing there does not appear to be an immediately serious problem. At Mr. Danzberger's invitation I will go to Chambersburg and confer with him and others including the Redevelopment Authority. This will probably be during the week of July 8.

From
THE ATTORNEY GENERAL

Misc.
DEPARTMENT OF JUSTICE

Deputy Attorney General.....	
Solicitor General	
Executive Assistant to the Attorney General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal.....	
Assistant Attorney General, Legal Counsel.....	
Assistant Attorney General, Internal Security.....	
Assistant Attorney General, Civil Rights	<input checked="" type="checkbox"/>
Administrative Assistant Attorney General.....	
Director, FBI	
Director, Bureau of Prisons.....	
Director, Office of Alien Property.....	
Commissioner, Immigration and Naturalization...	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Special Assistant for Public Information	
Records Administration Office	

For the attention of *Mr Marshall*

Rm 1145

REMARKS:

DEPARTMENT OF JUSTICE
ROUTING

Misc
DEPARTMENT OF JUSTICE

NAME		BUILDING AND ROOM
1.	John Nolan	
2.		
3.		
4.		
5.		

RECEIVED

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REMARKS

30 May

John:

Can we do anything about this?

5/31
write with Hounsey
he is to call back
To Mr. Marshall BM

FROM		
NAME	BUILDING, ROOM, EXT.	DATE

UNITED STATES GOVERNMENT

Memorandum

Miss.
DEPARTMENT OF JUSTICE

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

DATE: May 29, 1963
GAM:pav
72-41-51 10,134

FROM : Gordon A. Martin, Jr.
GAM Attorney

SUBJECT: Rankin County, Mississippi 1971(a)

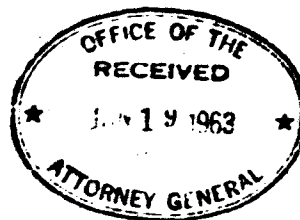
While in Rankin County recently preparing for the trial of the case of United States v. Edwards, I had occasion on May 16 and 17, 1963 to pass by the United States Post Office in Brandon, Mississippi, the county seat. On both occasions I noticed in the front window of the Post Office a large poster advertising a meeting of the Brandon Chapter of the Women for Constitutional Government which was held on May 16, 1963. This is a right wing political organization which has as its local co-chairman, Mrs. John McLaurin, the wife of the state senator who is opposing Attorney General Patterson.

It seems to me that the use of federal property to advertise any political meeting is improper, and I submit this information to you for whatever reference to the Post Office Department you may feel it merits.

*John Dolan:
Can we do anything
about this?
JD*

POST OFFICE DEPARTMENT
THE EXECUTIVE ASSISTANT TO THE POSTMASTER GENERAL
WASHINGTON 25, D.C.

June 18, 1963



Memorandum to: Mr. John E. Nolan, Jr.
Administrative Assistant to the Attorney General

From: Michael Monroney
Executive Assistant to the Postmaster General

About two weeks ago you called me about a notice placed on the bulletin board of the post office at Brandon, Mississippi, by the Women for Constitutional Government, announcing a meeting to be held on May 16.

I regret the delay in this reply to your telephone inquiry. Unfortunately, the next day I became ill and ended up in the hospital for a short period.

Attached is a copy of a memorandum from the Department's General Counsel, Mr. Doyle, setting forth the rules which govern the display of announcements and such in post office lobbies. If you are still interested in this matter, I believe Mr. Doyle's memorandum will answer any questions you may have on the subject.

Mike Monroney

June 18, 1963

Memorandum to: Mr. John E. Nolan, Jr.
Administrative Assistant to the Attorney General

From: Michael Monroney
Executive Assistant to the Postmaster General

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MAILED MICHAEL MONRONEY

May 31, 1963

Mr. Doyle

LJD:en

Mr. Monroney

You have inquired concerning the rules governing the display of advertising and posters in post office lobbies.

Under the Postal Manual Part 612.23, it is provided that advertisements, circulars, placards, handbills, cards or notices relating to any private business, and pictures, cartoons or other documents of a political character designed to influence an election in favor of any candidate may not be placed on the walls or elsewhere for public exhibition within areas used for postal activities or the lobbies thereof.

This part of the Manual also provides that for the convenience of the public, postmasters may allow bulletin boards to be placed in the post office or may set aside some convenient place where notices of public assemblies, notices of judicial sales, official election notices issued by state or local governments, and other like announcements, printed or written, may be displayed. These privileges must be afforded without discrimination against party or sect.

There is no law governing the situation. It is entirely a matter of administrative regulation.

RECEIVED WILLIAM MONRONEY

DIACTION
CHIEF OF POLICE

JUN 2 1963

DEPT. OF POLICE
BUREAU

Miss -

Leitman, Williams, Bennell and Baird

208 SOUTH LA SALLE STREET - CHICAGO 4 - FINANCIAL 6-2200

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EDWARD J. BROWN
SEYMOUR TAZENBERG

July 2, 1963

Mr. Burke Marshall
Department of Justice
Washington, D. C.

Dear Mr. Marshall:


My American Bar Association's Committee on Education Against Communism has taken a major step forward and I wanted to keep you posted. Enclosed is a reprint of the preface which appears in the recent 260-page publication entitled DEMOCRACY AND COMMUNISM IN WORLD AFFAIRS.

I am particularly pleased with this first major effort, as the experts tell me this suggested syllabus and teacher's guideline fulfills a real need.

Also enclosed is an editorial which appeared recently in the Washington Post pertinent to this effort.

Kindest personal regards.

Sincerely,


Morris I. Leibman

MIL:m
Encl

Teaching Communism

The cold war is a hard fact of the times. To wage it, which is to try to lead a productive national life despite its heavy demands, Americans must know what it is. To this end a consensus has come into being that communism should be taught in the schools. However, according to educators who have studied the matter, many of the programs so far developed have been marred by hysteria or pedantry. Furthermore, in a number of places the impetus for teaching communism has come only from groups on the right whose dislike of communism is not properly balanced—in our opinion—by a full appreciation of democracy.

Hence it is reassuring that, belatedly, representative and responsible groups of Americans are starting to contribute their resources. A few days ago, for instance, there was issued a teacher-training syllabus prepared at the University of South Carolina under the sponsorship of the American Bar Association. The apt title of this excellent syllabus, which avoids the fatal error of substituting indoctrination for information, is "Democracy and Communism in World Affairs." It is intended to serve the training centers which are springing up around the country to meet the rising demands of local communities for sensible instruction in communism. We hope that the syllabus, or something like it, will be made available to the many teachers who will not attend an institute, and to adult education programs and other interested groups as well.

Education in the nature, tactics and appeal of communism is too important to be done in a slipshod manner or to be left to any but the country's ablest citizens. It is entirely appropriate—and entirely American—for scholars, lawyers and professional educators to offer their prestige and their talents in this field.

GUIDE FOR TEACHER WORKSHOPS AND

**DEMOCRACY
AND
COMMUNISM
IN WORLD AFFAIRS**

BY INTERNATIONAL STUDIES/UNIVERSITY OF CALIFORNIA

SPONSORSHIP OF
A.S.A. ASSOCIATION/STANDING COMMITTEE ON
AGAINST COMMUNISM

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1942-43

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JOHN RICHIE, Northwestern Univ. Law School, Chicago 11, Ill.

DAN H. SMITH, First Nat'l Bank Bldg., Jackson 1, Miss.

DEMOCRACY AND COMMUNISM IN WORLD AFFAIRS

Syllabus and Guide for Teacher Workshops and Seminars

Prepared by

THE INSTITUTE OF INTERNATIONAL STUDIES
UNIVERSITY OF SOUTH CAROLINA
COLUMBIA

Under the Sponsorship of

THE AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON EDUCATION AGAINST COMMUNISM

APRIL, 1943

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First published, April, 1963

PREFACE

This Preface to a suggested syllabus for teacher training in the field of Democracy and Communism in World Affairs has a specific purpose: to explain why the American Bar Association has concerned itself with education in this area and why and how the syllabus project came into being.

The legal profession's concern is both general and specific. The first object of the American Bar Association, as stated in its Constitution, is "to uphold and defend the Constitution of the United States and maintain representative government." It is our belief that the gravest threat to our national freedom and democratic form of government is the international Communist movement. If the ambitions of the Communist dictators are realized, our Constitution and representative government in America would be destroyed. In a broader sense, freedom under law would be destroyed everywhere. The preservation of this basic freedom—which embraces all of our cherished freedoms—has traditionally been within the unique competence and responsibility of lawyers and judges.

President John F. Kennedy, in his Special Message on Education submitted to Congress early in 1963, declared in part:

the twisting course of the cold war requires a citizenry that understands our principles and problems. It requires skilled manpower and brainpower to match the power of totalitarian discipline. It requires a scientific effort which demonstrates the superiority of freedom. And it requires an electorate in every state with sufficiently broad horizons and sufficient maturity of judgment to guide this Nation safely through whatever lies ahead.

In short, from every point of view, education is of paramount concern to the national interest as well as to each individual....

It is obvious that our citizenry—including our youth in schools and colleges—must understand the nature and the seriousness of the Communist threat. This means more than an uncomfortable awareness that Communism threatens freedom in our country. The real need is for widespread knowledge in some depth of the history, doctrines, objectives, and tactics of the international Communist movement, studied with an understanding and appreciation of our American principles of human dignity and individual equality under the law.

In focusing attention on the subject of Communism and its contrast with liberty under law, we are not unmindful of the broader

educational needs of our time. There have been profound transformations in the world—and particularly in America's position and responsibility—within the past two decades. Much has been said about the obsolescence of curricula in the physical sciences, mathematics and foreign languages—and happily, much is being done to meet the new and exacting requirements in these subjects. But there must be at least an equal concern for the adequacy of our education in the social sciences. And with it all, there is a compelling need to instill in younger generations a greater understanding of the values and principles underlying our free society.

The need for more attention to the basic beliefs, systems, and long-term conflict between democracy and Communist despotism has been repeatedly emphasized by American leaders. Former President Eisenhower said:

Competition for men's minds begins when they are students. This is why they must be taught to discern between the American form of government and the Soviet form.

Allen W. Dulles, a lawyer and former Director of the Central Intelligence Agency, was one of the first national leaders to emphasize the need for education in this field. He said:

We need, far and wide in this country, more education on the whole history of the Communist movement. . . . We should not be afraid to teach the subject. The history of Communism and all of its works would bear its own indictment of the system. Let the facts speak for themselves.

Although the American Bar Association established a Committee in 1950 to study and report on Communist tactics, strategy and objectives, it was not until February, 1961, that its House of Delegates adopted significant resolutions dealing with the pressing need for education on this subject. In part these resolutions said:

We encourage and support our schools and colleges in the presentation of adequate instruction in the history, doctrines, objectives and tactics of Communism, thereby helping to instill a greater appreciation of democracy and freedom under law and the will to preserve that freedom.

The action of the House of Delegates of the American Bar Association attracted widespread and favorable public attention. Numerous requests were received from Bar organizations, educational authorities and the public for advice and assistance as to what could be done to promote such a program.

In response to this demand, a special committee of the American Bar Association under the chairmanship of Lewis F. Powell, Jr., of Richmond, Virginia, prepared and published a pamphlet entitled *Instruction on Communism and Its Contrast with Liberty Under Law*. The release of the pamphlet was noted immediately and favorably in the press and in the *Congressional Record*. There were requests for copies from all states of the nation, and the measured tone of the pamphlet was applauded. Although it was directed towards the need for instruction in depth on the subject of Communism at all levels of education, its emphasis—as a program in which the organized Bar might take a constructive part—was at the high school level.

At the time the Association first called for the teaching of the facts about Communism, the question being debated was whether there should be courses on this subject. The extent of progress in public awareness is indicated by the fact that the question today is how to teach such courses. Other organizations have played a leading role in achieving a consensus on the importance of teaching in this subject area. A major contribution, for example, was the combined effort of the American Legion and the National Education Association whose joint committee published a booklet entitled *Teaching About Communism: Guidelines for Junior and Senior High School Teachers* in 1962.

To strengthen and provide continuity of Bar effort in this field, the House of Delegates in August, 1962, amended its By-Laws consolidating the special committees into a permanent Standing Committee on Education Against Communism and directed it in part to "encourage and support our schools and colleges in the presentation of adequate instruction on the contrast between Communism and liberty under law."

Educational authorities, gratified and encouraged by the development of a public consensus favorable to the introduction in our school system of courses of study in this subject, emphasized to our Committee the need to offer training courses for teachers in the social science field to help them fulfill their classroom responsibilities. Several outstanding teacher workshops were held during the summer of 1962. A Workshop on Basic Issues in Citizenship, for example, was conducted by the Nine States Youth Citizenship Project and sponsored by the Commissioners of Education of the Nine Northwestern States and given at the Lincoln Filene Center for Citizenship and Public Affairs at Tufts University.

From the inception of its work the Committee was fortunate enough to rely on the advice and planning of its very able program director, Mr. Frank Rockwell Barnett. Mr. Barnett, a Rhodes scholar and former Wakeash College professor, has for several years served as a visiting faculty member for the special Defense Strategy Seminar dealing with Communism and world affairs held at the National War College in Washington, D. C. for senior reserve officers, many of whom are themselves educators, lawyers, and members of Congress. Thanks largely to his efforts we met with some of the leaders in higher education who had directed and participated in the four programs in 1962. They included Dr. Richard L. Walker, Director, Institute of International Studies, University of South Carolina; Dr. Rodger Swearingen, Director, Research Institute on Communist Strategy and Propaganda, University of Southern California; Rev. R. J. Henke, S. J., Dean of the Graduate School, The Saint Louis University; Dr. Ewing P. Shahan, Director of Summer Sessions, Vanderbilt University; and Dr. William Yandell Elliott, School of Government, Harvard University.

The Committee's consultation and deliberation brought out the fact that whereas there have been some remarkably fine developments in the materials prepared for use in secondary schools and in the guidelines for teachers, there has been no source to which those undertaking teacher training could turn for guidance and assistance. The Committee decided therefore to develop such a source, utilizing the experiences and approaches of several universities where successful institutes and seminars had already been held. This volume, which it must be stressed is tentative, is the result.

The Committee has had the advantage of being able to secure the assistance of the faculty of one of the leading national centers for the study of international affairs in pulling the materials together. Under the direction of Dr. Richard L. Walker, the Institute of International Studies at the University of South Carolina has prepared this suggested model syllabus and guide for teacher training institutes and workshops. While the syllabus itself has been developed primarily out of the program at the University of South Carolina, it has incorporated where feasible materials and suggestions from other cooperating institutions. This volume also contains brief summaries of alternate approaches followed at the University of Southern California, St. Louis University, and Vanderbilt University. The eminent and responsible educators at all of these centers of learning gave freely of their knowledge and experience gained from their partici-

tion in teacher institutes held last summer. Their cooperation during the course of the preparation of this volume was a source of inspiration to all of the members of the Committee.

Our Committee is privileged by this opportunity of serving in the role of supporter of these prominent scholars. This syllabus has been written, not for the purpose of being the final word, but as a meaningful document prepared by experts to be used and further developed as a tool by educators all over the country. It could not have been written without the fine cooperation of the many scholars who helped Dr. Walker.

We wish to express our appreciation for the advice rendered us by Dr. Richard I. Miller, Associate Director, Project on Instruction, National Education Association; Dr. John Kelley, Liaison Officer with the National Broadcasting Company's "Continental Classroom" for the American Association of Colleges for Teacher Education; Dr. Edward C. Pomerooy, Executive Secretary of the American Association of Colleges for Teacher Education; Dr. Merrill Harshbarger, Executive Secretary, National Council for Social Studies, National Education Association; Dr. Erling N. Hunt, Chairman, Department of the Teaching of Social Studies, Teachers College, Columbia University; Dr. and Mrs. Harry Overstreet, authors, lecturers and educational consultants; Dr. William R. Kintner, Deputy Director, Foreign Policy Research Institute, University of Pennsylvania; and Doctors W. Glenn Campbell and Stefan Possony, Hoover Institution of War, Revolution and Peace, Stanford University.

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The American Bar Association is sending this provisional edition without obligation to interested educators and educational institutions who have the prime responsibility for the training of our nation's teachers and who wish to provide specialized training for

PREFACE

teachers responsible for the education of our youth, preparing them better to understand and meet the challenges of this century and to "... guide this Nation safely through whatever lies ahead."

It is a source of real satisfaction to the Committee that whereas in the past there might have been controversy and even cause for worry about such an effort as this, there has been full agreement among responsible scholars and leaders of varying political persuasions that such an effort is not only desirable but is vitally necessary.

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April, 1961

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Mizz.

July 5, 1963

Mr. Burke Marshall
 Assistant Attorney General
 Civil Rights Division
 Department of Justice
 Washington 25, D. C.

Dear Burke:

Thanks for your prompt reply to my request for a list of subversive organizations. I am writing the House on American Activities Committee as you suggested for probably what will be a much lengthier list.

Yours sincerely,

Henry
 Henry Cabot

HC/ej

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